

**I. CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL**

Mayor Schroder called the meeting to order at 6:00 p.m. in the Council Chambers.

PRESENT: Rob Schroder, Mayor; Mark Ross, Vice Mayor; AnaMarie Avila Farias, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember; and Lara DeLaney, Councilmember.

EXCUSED: None.

ABSENT: None.

**PRESENTATION(S)**

**PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)**

**Reserved only for those requesting to speak on items not listed on the Agenda.**

Mayor Schroder stated an email was received from Kristin Henderson indicating on April 2, 2015, the Federal Register listed the Historic Resources of Martinez, California and the Borland Home to the National Register of Historic Places.

Brian Nunnally, Senior Government Public Affairs Representative for Tesoro Martinez, stated he wanted to take the opportunity to reintroduce Tesoro to the community. He informed the Council and the public about Tesoro, who has owned the plant since 2002; noting the refinery was built in 1913. Mr. Nunnally stated the number of employees, reviewed payroll, investments and annual capital; he also reviewed activities and projects Tesoro funds for the community. He provided copies of Tesoro's newsletter and fact sheets. Councilmember DeLaney requested Mr. Nunnally to clarify the membership and representation of the community advisory panel. He explained the composition of the panel as well as its activities and meeting schedule.

Barbara Kapsalis expressed her appreciation to the City, Public Works, and Police Department who helped with the Decades Reunion.

**CONSENT CALENDAR**

A. Motion waiving reading of text of all Resolutions and Ordinances

1. Motion approving the City Council Minutes of June 17, 2015. [M.Cabral]
2. Motion approving Check Reconciliation Registers dated 07/16/15, 08/04/15 and 8/13/15. [C.Spinella/2.1.1]
4. Motion approving Ordinance No. 1387 C.S. amending Section 7 of the City of Martinez Water System Regulations Governing Water Service. [T.Tucker/15.01.01]

5. Motion approving Ordinance No. 1388 C.S. relating to Floodplain Management repealing and amending Chapter 15.30 of the City's Municipal Code; and finding the adoption thereof exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Sections 15305, 15307, 15308, and 15061 (b)(3). [D.Salts&T.Tucker/09.10.00]
7. Resolution No. 094-15 authorizing Destruction of files specifically pertaining to the City Clerk's Office, Finance and Personnel Divisions. [M.Cabral/40.10.01]
8. Resolution No. 095-15 authorizing application for an exemption to the Metropolitan Transportation Commission to designate the Contra Costa Countywide Bicycle Advisory Committee as the City's representative for the review of projects seeking and utilizing Transportation Development Act Article 3 Funds. [Tucker/16.30.00]

Mayor Schroder pulled Item #9 A&B from the Consent Calendar and Councilmember Avila Farias requested Items #3 and #6 be removed.

On motion by Lara DeLaney, Councilmember, seconded by Mark Ross, Vice Mayor, to approve Item A and Items #1, #2, #4, #5, #7, and #8 of the Consent Calendar. Motion unanimously passed 5 - 0. Yes: Rob Schroder, Mayor; Mark Ross, Vice Mayor; AnaMarie Avila Farias, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember; Lara DeLaney, Councilmember.

3. Motion approving the appointment of Chief of Police, and approving the Chief of Police employment agreement; and authorize the City Manager to execute same. [A.Shear/17.00.06]

Councilmember Avila Farias questioned why the budget for the Police Chief's uniform is so much higher than the budget for other officers. City Manager Rob Braulik stated the number is common and consistent with other management agreements. Councilmember DeLaney asked if other equipment is included. Mr. Braulik stated the \$1,000 uniform allowance for the Chief of Police includes equipment. The uniform allowance for other officers is \$200, and the City purchases the equipment for them. Councilmember M<sup>c</sup>Killop asked what equipment is included. Interim Chief of Police Eric Ghisletta stated it includes firearms, gun safes, and other items. Councilmember Avila Farias requested amending the contract to include a lower number to be more equitable; the Council did not reach consensus to amend the contract.

On motion by Mark Ross, Vice Mayor, seconded by Debbie M<sup>c</sup>Killop, Councilmember, to approve the appointment of Chief of Police, and approving the Chief of Police employment agreement; and authorize the City Manager to execute same. Motion unanimously passed 5 - 0. Yes: Rob Schroder, Mayor; Mark Ross, Vice Mayor; AnaMarie Avila Farias, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember; Lara DeLaney, Councilmember.

6. Motion approving Ordinance No. 1389 amending Title 2 of the Martinez Municipal Code, Chapter 2.04 "City Manager," Section 2.04.40, Administration, and Section 2.04.50, Powers and Duties. [A.Shear/04.01.00&43.02.00]

Councilmember Avila Farias asked for clarification on the City Council's involvement in the hiring and termination process of the Chief of Police. City Manager Braulik noted it is included under 2.04.050 Item B.

On motion by Lara DeLaney, Councilmember, seconded by Debbie M<sup>c</sup>Killop, Councilmember, to approve Ordinance No. 1389 amending Title 2 of the Martinez Municipal Code, Chapter 2.04 "City Manager," Section 2.04.40, Administration, and Section 2.04.50, Powers and Duties. Motion unanimously passed 5 - 0. Yes: Rob Schroder, Mayor; Mark Ross, Vice Mayor; AnaMarie Avila Farias, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember; Lara DeLaney, Councilmember.

9. Campbell Theater, 636 Ward Street: [M.Chandler/9.12..07]

- A. Resolution No. 096-15 approving a Second Amendment to Commercial Lease Agreement with JaBa, LLC for use of the Premises located at 636 Ward Street and authorizing the City Manager to execute same; and
- B. Resolution No. 097-15 approving a Second Amendment to Commercial Sublease Agreement with Onstage Repertory Theater ("Onstage") for use of the Premises located at 636 Ward Street and authorizing the City Manager to execute same.

Assistant City Manager Alan Shear presented the staff report. He noted an updated report was provided for the Council members noting the resolution will not require a budget transfer. He reviewed the action requested of the Council and the provisions of the lease agreements.

Mayor Schroder expressed support of the resolutions. He commented on the amendment to allow other interested parties to make use of the facility when it is not being used by Onstage. City Manager Braulik noted several downtown organizations had requested use of the facility. He stated staff would continue to work with Onstage and the other interested entities to determine a process for ensuring maximum utilization of the facility, as well as ensuring a collaborative and cooperative relationship between Onstage and the rest of the community.

Councilmember DeLaney asked about the provision stating the City retains the right to use the facility for its own purposes and asked if it includes negotiation with other entities. She requested clarifying information be included in the sublease agreement. Assistant City Manager Shear stated it was in the original agreement for events such as the Downtown Matters workshop and educational presentations. He noted Onstage is flexible and the number of City events could be increased.

Vice Mayor Ross expressed appreciation for staff's work in negotiating. He also expressed appreciation for Onstage's cooperation. He also asked for more clarification in the agreement regarding sub-subleasing to third parties and the protocol for decision-making, scheduling, and mediating conflicting schedules. Councilmember M<sup>c</sup>Killop agreed and stated the additional clarification would be important for enabling diverse usage of the space.

Councilmember M<sup>c</sup>Killop expressed concern about the lease agreement with the landowner and the lack of inclusion of an exit clause. Councilmember DeLaney asked if an option to purchase the building could be included in the lease. City Manager Braulik stated the landowner is not currently willing to give the City an option to purchase the building at this time. Staff also discussed the exit clause with the landowner and it was rejected. Mayor Schroder stated the lease is not long and did not feel an exit clause is necessary. He agreed diversification of the space is important to ensure the facility is being used even if Onstage is not able to use it. Vice Mayor

Ross noted the lease will help the City determine if the program is feasible in Martinez before pursuing a purchase.

Mayor Schroder opened the Item for public comment.

Rick Schwab, a Martinez property manager, commented on the importance of evening cultural events in Martinez for revitalizing and rebuilding downtown. He strongly urged the Council to encourage arts in downtown.

Jack (last name not stated), stated he has performed several times at the Campbell Theater and spoke about the importance of community entertainment. He encouraged the Council to support the community and the young people who perform at the Theater.

Jaime Jobb noted Amy Walker started her show at the Campbell and is now performing in London. He encouraged the Council to support those who organize and run artistic events without getting paid for it.

Mark Thomson suggested a member of the City Council be appointed to Onstage's board of directors.

Arash Pakzad thanked the community for working hard to keep the Campbell open. He suggested a first right of refusal to purchase the building and provisions for future maintenance expenses be included in the lease. He urged the Council to encourage good business management of the facility.

Allie with Onstage Repertory Theater stated the residents of Martinez have as much of a right to have a permanent theater company in the City as do residents of other communities.

Felix Sanchez encouraged the Council to promote the City to other communities and strongly support arts and cultural events to attract visitors.

Marsha Hetzler commented on the opportunity to welcome in smaller alternative theater companies who are priced out of larger theaters, such as in Walnut Creek or San Francisco. She supported the idea of a member of the Council serving as a liaison on the board of Onstage.

Mark Hinds, boardmember, Onstage Repertory Theater, discussed the recent history of the theater with Martinez, the variety of shows/performers used, their desire to continue to serve the community, and concerns about continued delays in the renewal of the contract with the City.

In response to a comment from Mayor Schroder about the use of the theater by local groups and/or the City when there are no current bookings, Mr. Hinds discussed how the events are managed by Onstage and their willingness to continue once a long-term lease is granted. He also reviewed the usual theater "season" and how it is planned one to two years in advance.

Mayor Schroder expressed concern about needed amendments to the contract. City Manager Braulik said he had reviewed the contract, and although not a lawyer, he thought the proposed agreement had provisions included which would address the concerns of Onstage and the City. He indicated he would consult with the City Attorney, and if necessary, an amendment can be made at the next Council meeting to correct or amend the contract.

Vice Mayor Ross reminded the Council the first step is to approve the lease of the building to the City and secondly the sublease with Onstage.

Mr. Hinds said he would be willing to amend the contract to read “during such time Onstage is not using the theater; they shall endeavor to the best of their ability to make the theater available to other interested parties.”

Seeing no further speakers, Mayor Schroder closed public comment on the Item.

Mayor Schroder indicated his support for moving forward with the master lease tonight, as well as the agreement with Onstage if the language proposed by Mr. Hinds can be added now or in a future amendment.

Councilmember Avila Farias asked for clarification on the usual process, since she left the previous closed session thinking there were still details to be ironed out. She felt even these final details would have been better suited to a closed session. She also agreed with Councilmember M<sup>c</sup>Killop regarding the need for an exit strategy and/or a more sustainable plan. She noted to date, the City has spent \$540,000 on the theater rental, and she thought it would be better to invest in property which the City owns and can designate for a theater or cultural center.

Vice Mayor Ross indicated Martinez is much more entertaining than some of the neighboring communities who own theaters already. He acknowledged a City-owned venue would be great, but he thought the action before the Council tonight would be a good first step.

Councilmember DeLaney said she was also supportive of having arts in Martinez, especially additional opportunities for performers and audience members to come enjoy and support the downtown. She was supportive of Onstage and the sublease being considered tonight. As far as the lease itself, she was concerned the City has no opportunity for ownership of the venue, although she was appreciative of staff's efforts to improve the lease amounts.

Councilmember M<sup>c</sup>Killop said she was supportive of the theater and the arts, but she had concerns with the lease agreement with the landlord and whether the lease with the landlord is the best it can be, particularly the exit clause and maintenance issues. She also agreed with Councilmember Avila Farias, she thought there would have been another closed session on the item to address unanswered questions.

Councilmember Avila Farias also commented she did not think additional delays to settle the remaining issues would impact events too much. Mayor Schroder explained it could hinder advance planning for Onstage. He also commented on the extra costs from continuing month-to-month under the old agreement, and he reviewed financial contributions which have been made to theater improvements by members of the community.

Vice Mayor Ross noted the discussion among the Council tonight is very similar to those in the closed sessions held on the matter. He also pointed out the property owner has been asked about short-term lease options and/or purchase options and has clearly said no.

On motion by Mark Ross, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 096-15 approving a Second Amendment to Commercial Lease Agreement with JaBa, LLC for use of the Premises of the Campbell Theater located at 636 Ward Street and authorizing the City Manager to execute same. Motion passed 3 - 2. Yes: Rob Schroder, Mayor; Mark Ross, Vice Mayor; Lara DeLaney, Councilmember. No: AnaMarie Avila Farias, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember.

On motion by Mark Ross, Vice Mayor, seconded by Debbie M<sup>c</sup>Killop, Councilmember, to approve Resolution No. 097-15 approving a Second Amendment to Commercial Sublease Agreement with Onstage Repertory Theater ("Onstage") for use of the Premises of the Campbell Theater located at 636 Ward Street and authorizing the City Manager to execute same as amended to include under Section 5. F. *Onstage shall endeavor to provide use of premises to other groups during times when Onstage is not utilizing said premises; and add a proviso a Councilmember or staff member be appointed to serve on Onstage's Board.* Motion unanimously passed 5 - 0. Yes: Rob Schroder, Mayor; Mark Ross, Vice Mayor; AnaMarie Avila Farias, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember; Lara DeLaney, Councilmember.

## **PUBLIC HEARING(S)**

### **CITY MANAGER**

10. City Manager Comment(s)/Update(s).

### **CHIEF OF POLICE**

11. Chief of Police Comment(s)/Update(s).

## **APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES**

### **CITY COUNCIL**

12. Council Subcommittee Reports.

13. City Council Comments.

Councilmember Lara DeLaney discussed the Hometown Joe DiMaggio Project and passed out information on proposed monument locations, and requested the item be added to a future Council agenda, perhaps the second meeting in September. She reviewed the different monuments being proposed and unique considerations of each. She requested the item be discussed at a Parks, Recreation, Marina and Cultural Commission meeting and at a future Martinez Shoreline Joint Planning Agency, to which Mayor Schroder agreed. Councilmember DeLaney also announced she will not be in attendance at the September 2nd Council meeting.

Vice Mayor Mark Ross expressed his appreciation to Interim Chief of Police Eric Ghisletta for his grace and service to his hometown community and all his efforts.

Councilmember AnaMarie Avila Farias acknowledged City Manager Braulik for his expeditious response to complaints, residents, the Council, and getting projects completed. She also thanked Interim Chief Ghisletta for his leadership and positive attitude as he continues with the City.

Councilmember Debbie M<sup>c</sup>Killop also expressed her appreciation for all Interim Chief Ghisletta's hard work, his leadership, and said she looked forward to continued work with him. She was also happy to see the City Manager was a go-getter. Councilmember M<sup>c</sup>Killop thanked all the volunteers and staff who assisted with the Decades Reunion, and noted it was a wonderful event.

Councilmember Avila Farias thanked Councilmember M<sup>c</sup>Killop and City Manager Braulik for following through in seeing the agenda going from paper to digital.

Mayor Rob Schroder joined his colleagues in thanking Interim Chief Ghisletta for filling in as Interim Chief for such a long time. He noted how stressful the process was for the Council, as well as, Interim Chief Ghisletta, his family, and many members of the community. Mayor Schroder recognized his professionalism and his willingness to work with the new Chief.

Mayor Schroder announced he too will not be in attendance on September 2nd; he will be away at a Calafco Conference.

Vice Mayor Ross suggested the meeting be rescheduled. Mayor Schroder noted he will rely on the City Manager to make the determination.

## **ADJOURNMENT**

Adjourned at 7:53 p.m. to a Regular Council Meeting on September 2, 2015 at 6:00 pm in the Council Chambers, 525 Henrietta Street, Martinez, California.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 10/7/15